25. (To take the place of Claim 2) A binder assembly as defined in claim 1 wherein said covers are secured together at a binding and wherein said inner pocket is formed of a sheet which is secured to said binding, and is cut along the binding to form the inner free edge of said pocket.

26. (To take the place of Claim 13) A binder assembly as defined in claim 11 wherein said covers are secured together at a binding and wherein said inner pocket is formed of a sheet which is secured to said binding, and is cut along the binding to form the inner free edge of said pocket.

B12

27. (To take the place of Claim 18) A binder assembly as defined in claim 17 wherein said covers are secured together at a binding and wherein said inner pocket is formed of a sheet which is secured to said binding, and is cut along the binding to form the inner free edge of said pocket.

28. An assembly as defined in claim 17 wherein said inner pocket extends over the greater portion of the inner surface of said front cover.

REMARKS

Initially, regarding the duplication of certain reference numerals, certain changes have been made on the attached drawings, shown in red on the enclosed prints of the drawings. In addition, paragraphs 24, 25 and 27 of the specification have been amended. Incidentally, regarding reference numerals 52 and 54, a sentence has been added to paragraph 27 of the specification to bring out the fact that the same reference numerals are used with reference to the same parts in the left and right hand showings of Fig. 6, although they are referenced by different terms reflecting the physical configuration in the two showings of Fig. 6. In Fig. 5, reference numeral "52" has been changed to "51", with the specification being similarly amended. Similarly, in Fig. 4, reference numeral "22" has been changed to "23" with corresponding changes in the specification.

Regarding the rejections based on 35 USC 112, all of the claims to which this rejection was applied have been amended to clearly provide antecedent basis for the language in question.

Regarding claims 5, 15 and 19, these claims have been amended so that they are now independent claims, thereby obviating the rejection.

Now turning to the prior art rejection, all claims were rejected based on the Yamamoto, Wilson and Wyant patents.

In considering these patents, the Yamamoto patent shows a binder involving a prior art binder with a front cover window, as discussed in the "Background of the Invention" section of the present application, where the Yamamoto patent is cited. In this type of prior art arrangement, the inner pocket is secured to the transparent front cover on three sides, not only two sides are required by the claims, with only the top being open to receive visual material. However, with stiff binder covers and with the pocket being secured to the inner surface of the binder cover on three sides, it is difficult to insert the sheet bearing the visual material into the pocket, particularly if the inserted material is on light weight paper stock.

Accordingly, by employing transparent flexible binder covers and a pocket which is firmly secured to the inner cover on only two sides, the outer and bottom sides of the pocket, the visual material may be readily inserted into the pocket, from the top and inner sides of the pocket. Further, the inner pocket is held closed and the visual material is retained in place by the front cover of the binder bearing on the contents of the binder. Accordingly, with the flexible transparent covers, and two sides of the inner pocket being open, the visual material may be readily inserted or replaced with no difficulty.

Note particularly that all of the independent claims now call for the pocket to be "free and unsecured" to the cover at the top and inner edges". Accordingly, instead of the tedious effort which may be required for insertion of material into the pocket where three sides are secured to the cover, every insertion of the visual insert may be accomplished, when the binder is open. Further, when the binder is closed, the visual insert is held in place by the remainder of the binder, including the binding thereof which prevents lateral movement of the visual insert.

Accordingly, the claimed design has the advantages of both (1) easy insertion of the visual insert through the two open sides when the binder is open, and (2) the security of visual insert retention when the binder is closed. This binder feature is not shown in the Yamamoto or either of the other two references, Wilson or Wyant.

It is also noted that neither of the other two references, for Wilson and for Wyant, disclose a transparent binder with an inner pocket secured on only two sides, for ease of insertion of the visual material.

Further, using computer arrangements and displaying the front cover frame configuration, appropriate visual material may be generated, so that when it is inserted into the binder pocket, it provides a professional quality presentation.

Concerning the restriction requirement it is noted that claims 7 – 10 and 23 were "withdrawn from consideration" as being drawn to method claims. In this regard in comparing claims 23 and 24 for example, the coverage is so close that it can hardly be said that the claims are "independent and distinct" as required by 35 USC 121 in order for restriction to be proper. However, in order to expedite issuance of the patent claims 7 – 10 and 23 are being cancelled.

Regarding the patentability of the claims, we have pointed out hereinabove, the advantage of quickly and reliably inserting and/or replacing the visual material. Further this is achieved by the structural limitation of binder flexibility and/or the inner pocket having only two edges secured to the binder cover.

Also, to be noted is the computer aided arrangements for forming the visual material. The broad brush statement on page 9 of the Office Action relative to claim 24, and the subject matter allegedly being "notoriously well known in the art", is respectfully controverted insofar as it applies to the present invention. Further it is respectfully requested that prior art be cited or a Declaration be presented establishing just what is supposed to be notoriously well known. In the present case where an image of the binder "frame" is presented on the monitor screen, and visual material compatible with the frame is developed, it is believed that the overall system is new and novel, and not "notoriously well known".

Reference is also made to the recent decision of the Court of Appeals for the Federal Circuit in *In re Lee*, 61 USPQ 2d 1430 (Jan. 18, 2002) in which alleged "General Knowledge" was considered to be an improper basis for rejecting claims. For convenience we are enclosing a copy of this case. Further, we are respectfully requesting that prior art references or a Declaration be presented relative to matters asserted to be "well known", for example.

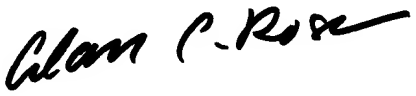
Concerning the drawings, a red marked up set of drawings showing changes, as well as finalized new drawing sheets are provided herewith. In the event that further drawing changes

may be considered appropriate, please telephone the undersigned so that they may be promptly accomplished.

In the event that the application is not considered to be entirely in condition for allowance, applicant's attorney would appreciate an interview with the Examiner to discuss the application. Applicant's attorney would prefer a personal interview with the Examiner, but the time and cost of travel from the Los Angeles location of our offices makes this impractical. Thank you in advance for the courtesy of an interview if this case is not now considered to be allowable.

In closing, in view of the foregoing amendments, and points and authorities, an early Notice of Allowance is solicited.

Respectfully submitted,



Alan C. Rose, Reg. 17,047
Attorney for Applicant

OPPENHEIMER WOLFF & DONNELLY LLP
2029 Century Park East, 38th Floor
Los Angeles, CA 90067-3024
Telephone: 310/788-5000
Facsimile: 310/277-1297

Enclosed:

(1) Red marked-up Drawings
(2) Formal Drawings

ADDENDUM PAGES

In the specification:

Please amend paragraph 24 to read as follows:

In Fig. 4 of the drawings, the inner pocket 23 [22] is shown bonded to the cover 12 along the bottom and left hand edge, with the top and right hand edge being free for rapid loading of the visual insert sheet. This is a variation of the construction shown in Fig. 2, but in both cases the pocket has the upper edge and an inner edge free to permit rapid loading.

Please amend paragraph 25 to read as follows:

Now, turning to Fig. 5 of the drawings, the front cover has been turned back, and the comb type spine 14 is visible at the left in Fig. 5. The top sheet is a transparent divider sheet with a tab 46 which reads "Summary". Other tabs 48 are also visible in Fig. 5 as is the upper edge of the rear cover 50 of the binder. The first heading sheet 51 [52] behind the transparent index sheet with tab 46 has the titles of the section on it; and in this case the title read ["Profit Exceeds Forecast" and] "Profit Jump [40%]". This title [These titles] may be on clippings secured to the heading sheet; or they may be printed directly on the heading sheet, but are visible through the tabbed binder sheet.

Please amend paragraph 27 to read as follows:

It may also be noted that the rear pocket 52 may be provided with a series of cuts 56 which are intended to retain a business card or other similar sized sheet material. Also, in Fig. 6, the same reference numerals are employed to refer to the same parts in the left and right hand views of Fig. 6.

In the claims:

Please cancel claims 2, 3, 7 – 10, 13, 18 and 23.

Please amend the claims as follows:

1. A semi-flexible cover-view binder assembly, comprising:

front and rear semi-flexible plastic covers, said front cover being transparent and being provided with a peripheral coating forming a substantially opaque frame defining an open area within the frame; said covers having inner and outer surfaces;

an inner pocket secured to the inner surface of said front cover; said pocket having inner, outer, top and bottom edges; said inner pocket being secured along its outer edge and its bottom edge, and being free and unsecured to the cover at the top and inner edges, thereby permitting quick insertion of visual material from the top and inner edges [areas] of said pocket;

an insert having visual information applied thereto in the open area within said frame, said insert being in said inner pocket;

a plurality of transparent dividers with tabs thereon mounted within said binder; and

said rear cover having a partial pocket extending for less than half of the area of said rear cover; said partial pocket being formed of the same sheet as the rear cover, with the pocket being formed by folding a sheet upward and bonding it in place, said rear cover being coated with substantially opaque material similar to the frame coating on the front cover.

5. A system including a binder assembly [as defined in claim 1] comprising:

a binder assembly comprising:

(a) front and rear semi-flexible plastic covers, said front cover being transparent and being provided with a peripheral coating forming a substantially opaque frame; said covers having inner and outer surfaces;

(b) an inner pocket secured to the inner surface of said front cover; said pocket having inner, outer, top and bottom edges; said inner pocket being secured along its outer edge and its bottom edge, and being free and unsecured to the cover at the top and inner edges, thereby permitting quick insertion of visual material from the top and inner edges [areas] of said pocket;

(c) an insert having visual information applied thereto in the area within said frame, said insert being in said inner pocket;

(d) a plurality of transparent dividers with tabs thereon mounted within said binder; and

(e) said rear cover having a partial pocket extending for less than half of the area of said rear cover; said partial pocket being formed of the same sheet as the rear cover, with the pocket being formed by folding a sheet upward and bonding it in place, said rear cover being coated with substantially opaque material similar to the frame coating on the front cover; and

said system further including a computer, a keyboard and a printer, for displaying the framed front cover of said binder and forming visual material within said frame, and printing out the visual insert for insertion into the inner pocket with the visual material set-off and enclosed by said frame.

11. A semi-flexible cover-view binder assembly, comprising:

front and rear semi-flexible plastic covers, said front cover being transparent and being provided with a peripheral substantially opaque frame defining an open area within the frame; said covers having inner and outer surfaces;

an inner pocket secured to the inner surface of said front cover; said pocket having inner, outer, top and bottom edges; said inner pocket being secured along its outer edge and its bottom edge, and being free at the top and inner edges, thereby permitting quick insertion of visual material from the top and inner edges [side] of said pocket; and

an insert having visual information applied thereto in the open area within said frame, said insert being in said inner pocket.

15. A system including a binder assembly [as defined in claim 11] comprising:

a binder assembly comprising:

(a) front and rear semi-flexible plastic covers, said front cover being transparent and being provided with a peripheral coating forming a substantially opaque frame; said covers having inner and outer surfaces;

(b) an inner pocket secured to the inner surface of said front cover; said pocket having inner, outer, top and bottom edges; said inner pocket being secured along its outer edge and its bottom edge, and being free and unsecured to the cover at the top and inner edges, thereby permitting quick insertion of visual material from the top and inner edges [areas] of said pocket;

(c) an insert having visual information applied thereto in the area within said frame, said insert being in said inner pocket;

(d) a plurality of transparent dividers with tabs thereon mounted within said binder; and

(e) said rear cover having a partial pocket extending for less than half of the area of said rear cover; said partial pocket being formed of the same sheet as the rear cover, with the pocket being formed by folding a sheet upward and bonding it in place, said rear cover being coated with substantially opaque material similar to the frame coating on the front cover; and

said system further including a computer, a keyboard and a printer, for displaying the framed front cover of said binder and forming visual material within said frame, and printing out the visual insert for insertion into the inner pocket with the visual material set-off and enclosed by said frame.

17. A semi-flexible cover-view binder assembly, comprising:

front and rear semi-flexible plastic covers, said front cover being transparent and being provided with a peripheral substantially opaque frame defining an open area within the frame; said covers having inner and outer surfaces;

an inner pocket secured to the inner surface of said front cover; said pocket having inner, outer, top and bottom edges; said inner pocket being secured along its outer edge and its bottom edge, and being free at the top and inner edges, thereby permitting quick insertion of visual material from the top and inner areas of said pocket;

an insert having visual information applied thereto in the open area within said frame, said insert being in said inner pocket;

a plurality of dividers with tabs thereon mounted within said binder; and

said rear cover having a rear pocket formed of the same sheet as the rear cover.

19. A system including a binder assembly [as defined in claim 17] comprising:

a binder assembly comprising:

(a) front and rear semi-flexible plastic covers, said front cover being transparent and being provided with a peripheral coating forming a substantially opaque frame; said covers having inner and outer surfaces;

(b) an inner pocket secured to the inner surface of said front cover; said pocket having inner, outer, top and bottom edges; said inner pocket being secured along its outer edge and its bottom edge, and being free and unsecured to the cover at the top and inner edges, thereby permitting quick insertion of visual material from the top and inner edges [areas] of said pocket;

(c) an insert having visual information applied thereto in the area within said frame, said insert being in said inner pocket;

(d) a plurality of transparent dividers with tabs thereon mounted within said binder; and

(e) said rear cover having a partial pocket extending for less than half of the area of said rear cover; said partial pocket being formed of the same sheet as the rear cover, with the pocket being formed by folding a sheet upward and bonding it in place, said rear cover being coated with substantially opaque material similar to the frame coating on the front cover; and

said system further including a computer, a keyboard and a printer, for displaying the framed front cover of said binder and forming visual material within said frame, and printing out the visual insert for insertion into the inner pocket with the visual material set-off and enclosed by said frame.

21. A semi-flexible cover-view binder assembly, comprising:

front and rear semi-flexible plastic covers, said front cover being transparent and being provided with a peripheral substantially opaque frame defining an open area within the frame; said covers having inner and outer surfaces;

an inner pocket secured to the inner surface of said front cover; said inner pocket being secured along three edges with the semi-flexible covers [flexibility] of said binder assembly permitting quick insertion of visual material into said pocket; and

an insert having visual information applied thereto in the open area within said frame, said insert being in said inner pocket.

22. A semi-flexible cover-view binder assembly, comprising:

front and rear semi-flexible plastic covers, said front cover being transparent and being provided with a peripheral substantially opaque frame defining an open area within the frame; said covers having inner and outer surfaces;

an inner pocket having four edges secured to the inner surface of said front cover; said inner pocket being secured to the front cover along two edges, and the other two edges being free and unsecured to the front cover, thereby permitting quick insertion of visual material from the other two edges of said pocket; and

an insert having visual information applied thereto in the open area within said frame, said insert being in said inner pocket.

24. In combination:

a semi-flexible cover-view binder assembly, comprising:

(a) front and rear semi-flexible plastic covers, said front cover being transparent and being provided with a peripheral substantially opaque frame defining an open area within the frame; said covers having inner and outer surfaces;

(b) an inner pocket secured to the inner surface of said front cover; said pocket having inner, outer, top and bottom edges; said inner pocket being secured along its outer edge

and its bottom edge, and being free at the top and inner edges, thereby permitting quick insertion of visual material from the top and inner edges [areas] of said pocket;

(c) an insert having visual information applied thereto in the open area within said frame, said insert being in said inner pocket; and

a computer, a keyboard and a printer, for displaying an image corresponding to the framed front cover of said binder, for forming visual material within the frame, and for printing out the visual insert for insertion into the inner pocket of said binder assembly with the visual material set-off and enclosed by said frame.

Please add the following claims:

25. (To take the place of Claim 2) A binder assembly as defined in claim 1 wherein said covers are secured together at a binding and wherein said inner pocket is formed of a sheet which is secured to said binding, and is cut along the binding to form the inner free edge of said pocket.

26. (To take the place of Claim 13) A binder assembly as defined in claim 11 wherein said covers are secured together at a binding and wherein said inner pocket is formed of a sheet which is secured to said binding, and is cut along the binding to form the inner free edge of said pocket.

27. (To take the place of Claim 18) A binder assembly as defined in claim 17 wherein said covers are secured together at a binding and wherein said inner pocket is formed of a sheet which is secured to said binding, and is cut along the binding to form the inner free edge of said pocket.

28. An assembly as defined in claim 17 wherein said inner pocket extends over the greater portion of the inner surface of said front cover.